



Attorney's Docket No. 8151-24A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Hanley, Jr. et al.
Appl. No.: 09/560,288
Filed: April 27, 2000
For: METHOD FOR PRODUCING HUMAN
INTERVERTEBRAL DISC CELLS

Group Art Unit: 1633
Examiner: Kerr, J.

February 13, 2001

Assistant Commissioner for Patents
Washington, DC 20231

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(b)

Sir:

The disclaimant, Charlotte-Mecklenburg Hospital Authority d/b/a Carolinas Medical Center, having a principal place of business at Charlotte, North Carolina, verifies through its duly authorized representative that it is the owner of all right, title, and interest in the above-identified application, by Assignment filed April 27, 2000, and recorded at Reel 010778, Frame 0347.

The disclaimant hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of United States Patent No. 6,080,579, issued June 27, 2000, entitled *Method for Producing Human Intervertebral Disc Cells*, which patent was assigned to the above-identified disclaimant by an Assignment filed March 30, 1998, and recorded at Reel 0974, Frame 0287.

Disclaimant further agrees that any patent so granted on the above-identified application, which is the subject of this disclaimer, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,080,579, this agreement to run with any patent granted on the above-identified application and any reissues thereof upon the grantee, its successors or assigns.

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Nothing herein shall be construed as a disclaimer of any terminal part of any patent granted on the above-identified application which is prior to the expiration of the full statutory term of U.S. Patent No. 6,080,579 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

I, Ernest B. Lipscomb, III, represent that I am the attorney of record and am authorized to execute this disclaimer on behalf of Charlotte-Mecklenburg Hospital Authority. I further declare that the evidentiary documents of ownership have been reviewed, and I certify that to the best of disclaimant's knowledge and belief, title is in the disclaimant seeking to take action.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Charlotte-Mecklenburg Hospital Authority



By: Ernest B. Lipscomb, III

Its: Attorney of Record

Date: February 13, 2001